IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

RP.No. 509 of 2007(S)

IN JUDGMENT W.P.C.NO.33488/06 DTD.23.1.07.

REVIEW PETITIONERS/RESPONDENTS IN THE W.P(C)
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1. THE STATE OF KERALA, REP. BY SECRETARY, TRANSPORT (D) DEPARTMENT, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, ALAPPUZHA.

3. DIRECTOR, STATE WATER TRANSPORT DEPARTMENT, ALAPPUZHA.

4. EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT, ALAPPUZHA.

BY GOVERNMENT PLEADER

RESPONDENTS: PETITIONER IN THE W.PC

PERUMBALAMBOAT PASSENGERS ASSOCIATION, REG.NO.A710/04, PERUMBALAM ALAPPUZHA, REP. BY CONVENER, (K.B.RAJESH, AGED 35, S/O.LATE G.BALAKRISHNA PANICKER, "KRISHNA", PERUMBALAM.P.O., CHERTHALA.

BY ADV. SRI.K.S.MADHOSOODANAN

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 28.9.2007, THE COURT ON 4.10.2007 PASSED THE FOLLOWING:

P.R.RAMAN & S.SIRI JAGAN, JJ.

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R.P.NO.509/2007 IN W.P.(C).No. 33488/06

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Dated this the 4th day of October, 2007

O R D E R

Siri Jagan, J.:

The State is the petitioner in this review petition. They seek review of the judgment dated 23.11.2006 passed by a bench of this court in the above said writ petition. By the impugned judgment this court directed the respondents in the writ petition to sanction one more passenger boat between Perumbalam and South Paravur as prayed for in the writ petition and also to take appropriate steps to dredge the boat channel properly for plying of the boats without any obstruction. There was a further direction to initiate and complete the needful in that regard within a period of four months from the date of receipt of a copy of that judgment. The contention now raised is that the judgment was passed without noticing the counter affidavit filed on behalf of the third petitioner in the review petition. They would submit the judgment was rendered on the premise that there is only one boat for the people of Perumbalam to reach the mainland and that the Department has been operating 154 trips per day with

five boats in five schedules for the islanders to reach the mainland of Alappuzha and Ernakulam. It is the contention of the petitioners in the review petition that there are five schedules, one directly to the island to South Paravur, and three schedules to Poothotta from the island and the distance between South Paravur and Poothotta is less than five kilometers, which points are are well connected by bus services. The petitioners in the review petition also rely on Annexure A1 attached to the statement filed on behalf of the petitioners in the review petition. They would also contend that there is no necessity for an additional boat taking into account the number of commuters using the boat service and the operating expenses incurred by the State Water Transport Department to run the boat service.

2. It is not disputed before us that as between the island and South Paravur there is only one boat service. Therefore, notwithstanding the fact that there are other boat services also to other parts of the district and the neighbouring district, we are not satisfied that the people of the island of Perumbalam are not suffering from lack of adequate modes of transports to the main island. It is not disputed before us that for the people of the island the only mode of conveyance from the island to

reach the main land is by boat. In the impugned judgment it has been held that the Government should not think like an ordinary businessman in terms of the returns from the boat service and that it is one of the cardinal functions of the Government to provide transportation facilities to the people where there are no other facilities of transportation even incurring expenditure by the Government notwithstanding the fact that the boat service is not economical in terms of the returns received from the same. In spite of the fact that the petitioners in the review petition have shown that there are other schedules to other parts of the main island, that does not make the situation any the less serious for the people of the island. In the above circumstances, we are not inclined to entertain this review petition and accordingly the same is dismissed.

Sd/-
P.R.RAMAN, JUDGE

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.